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The Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 09/778,224 🗸 TRANSMITTAL Filing Date February 6, 2001 **FORM** First Named Inventor Samuel A. Marquiss Art Unit 1764 (to be used for all correspondence after initial filing) Examiner Name Attorney Docket Number LJL 34602 Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance communication Fee Transmittal Form Drawing(s) to Group Appeal Communication to Board Fee Attached Licensing-related Papers of Appeals and Interferences Appeal Communication to Group Petition (Appeal Notice, Brief, Reply Brief) Amendment/Reply Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter Affidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Terminal Disclaimer **Extension of Time Request** Identify below): 1. Form PTO-1449 (1 page) Request for Refund **Express Abandonment Request** 2. 1 U.S. Reference CD, Number of CD(s) Information Disclosure Statement (Third Supplemental) Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm James R. Abney, Esq. Individual name Kolisch Hartwell, P.C. Signature ama Date September 8, 2003 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on o the date shown below. Typed or printed name Renee Knight Date Signature September 8, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: September 8, 2003

SAMUEL A. MARQUISS, CHRISTOPHER G. CESAR, JON F. PETERSEN, DAVID P. STUMBO, AMER EL-HAGE, GLENN R. EDWARDS, DOUGLAS N. MODLIN, LEV J. LEYTES, and SAMUEL BURD

Serial No.

09/778,224

Group Art Unit 1764

Filed

February 6, 2001

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Sir:

# THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98

Applicants are submitting this Third Supplemental Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the Patent Office the patents and/or other publications listed on the enclosed, completed PTO-1449 forms. The filing of this Third Supplemental Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicants respectfully request that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

#### CONTENT OF DISCLOSURE

This Third Supplemental Information Disclosure Statement includes (1) one page of PTO-1449 forms, and (2) a legible copy of each reference listed on the form(s).

### TIMING OF DISCLOSURE / CERTIFICATION

This Third Supplemental Information Disclosure Statement is being filed more than three months after the filing date of a national application or the date of entry of the national stage in an international application and after the mailing of a first Office action but, to the best of the undersigned's knowledge, before the mailing date of any of a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application. In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned states that no item of information contained in this Third Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Third Supplemental Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Third Supplemental Information Disclosure Statement. Therefore, in accordance with 37 C.F.R. §§ 1.97(c)(1), no fee is required.

Please contact the undersigned attorney with any questions or comments regarding this Third Supplemental Information Disclosure Statement.

Respectfully submitted,

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#### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on September 8, 2003.